

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS D. BENNETT,

Petitioner,

v.

Case No. 05-60159

Hon. John Corbett O'Meara

NANCY DIEHL and
SUSAN BIEKE-NEILSON

Respondents.

_____ /

ORDER GRANTING RESPONDENT'S MOTION TO DISMISS

On July 8, 2005, Douglas Bennett filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. He seeks relief from a state court injunction prohibiting his unauthorized practice of law and a subsequent contempt of court order for violating that injunction. Respondent Susan Bieke-Neilson, the state court judge who entered the injunction, filed a motion to dismiss on July 28, 2005. Bennett did not file a response.

Bennett is not in state prison and the injunction does not otherwise place him in custody of the state. As such, 28 U.S.C. § 2241 is inapplicable to his situation. Plaintiff has not stated a claim upon which relief can be granted. The court finds this lawsuit was frivolously filed and that monetary sanctions are appropriate. After a review of Bennett's previously filed cases in this district, the court finds that he has a history of filing frivolous lawsuits which often concern nearly identical issues. In such cases, it is proper for the court to require a party to obtain leave of this court to file additional lawsuits. Feathers v. Chevron U.S.A., Inc., 141 F.3d 264, 269 (6th Cir. 1998).

Accordingly, **IT IS HEREBY ORDERED** that Respondent's July 28, 2005 Motion to Dismiss is **GRANTED** and the case is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Douglas Bennett is enjoined from filing any additional lawsuits in the Eastern District of Michigan without first obtaining leave from the clerk's office or, if appropriate, the assigned judge.

IT IS FURTHER ORDERED that Douglas Bennett shall pay Respondent Susan Bieke-Neilson's reasonable attorney's fees and costs for defending this action. Respondent shall submit an itemized accounting of attorney's fees and costs. Petitioner is hereby sanctioned in any amount equal to the attorney's fee as approved by the court to be paid to the Office of the Clerk of the United States District Court for the Eastern District of Michigan.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: September 26, 2005